

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art references, neither alone nor in combination, disclose, teach or suggest an air-conditioning system for a passenger compartment of a vehicle having the combination of elements recited in independent claim 10.

Specifically, with respect to sole independent claim 10, the closest prior art is considered to be that of Galaniuk (US 3,659,515). While Galaniuk may disclose some of the claimed limitations, claim 10 is clearly patentable over the Galaniuk reference because this reference fails to disclose, teach, or suggest at least the following claimed elements: (a) a plurality of bottom ventilation outlets mounted on an *external* side surface of a tubular body and *protruding outwardly therefrom*; (b) wherein the tubular body is arranged horizontally *above a set of pedals* of the vehicle, and is arranged immediately behind a knee protection panel of the passenger compartment, and (c) wherein the regulation of the directionality of the plurality of bottom ventilation outlets about the horizontal longitudinal central axis enables ventilation of an area *starting from toes of the driver and lapping a surface of the knee protection panel*, enabling the air to flow upwards and *sticking to a limit layer of a dashboard surface* (emphasis added).

Moreover, one of ordinary skill in the art would have no reasonable motivation for modifying the Galaniuk reference so as to overcome the deficiencies recited above. For example, one of ordinary skill in the art would have no motivation to modify the apparatus (10) in Galaniuk by arranging it above a set of pedals of a vehicle, and in a location that is immediately behind a knee protection panel of a passenger compartment, because this modified location for the apparatus (10) would prevent the device from functioning in the manner

Art Unit: 3749

intended. In particular, Galaniuk discloses that the apparatus (10) delivers airflow from a supply system to one of three positions: (i) a windshield of a motor vehicle, (ii) a central portion of the interior of the vehicle, or (iii) towards the floor of the vehicle. Refer to Galaniuk, column 3, lines 1-7. Galaniuk further discloses that the particular position (i, ii, iii) to which the airflow is directed is regulated by selective positioning of the operating lever (44) by the user. See Galaniuk, column 3, lines 8-10. If the apparatus (10) in Galaniuk were positioned above the pedals and behind the knee protection panel of the vehicle, then the apparatus (10) could no longer supply air to the windshield region of the vehicle as intended.

Furthermore, one of ordinary skill in the art would have no reasonable motivation for modifying the Galaniuk reference such that the vent apertures (34, 36, 38, 40) are mounted on an external side surface of the apparatus (10) and protrude outwardly therefrom. Galaniuk clearly discloses that the vent apertures (34, 36, 38, 40) are disposed within internal second cylindrical tube (18). Refer to Galaniuk, Figures 2-6 and column 2, lines 51-55. Thus, modifying the vent apertures (34, 36, 38, 40) so that they protrude outwardly from the internal second cylindrical tube (18) would completely destroy the intended functionality of the apparatus (10) by preventing the rotational movement of the internal second cylindrical tube (18) relative to the external first cylindrical tube (16). See Galaniuk, Figures 3-6. Also, it is clear that any attempt to make such a modification to the Galaniuk device would irrefutably involve the application of impermissible hindsight reconstruction.

Therefore, because the closest prior art fails to disclose, teach, or suggest numerous limitations set forth in claim 10, and there is no reasonable motivation for one of ordinary skill in

Art Unit: 3749

the art to modify the closest prior art reference (Galaniuk) in such a way so as to cure these deficiencies, independent claim 10 of this application is clearly patentable over the prior art.

In regard to dependent claims 11-14 and 16-17, these claims are allowable as being dependent, either directly or indirectly, upon allowable independent claim 10.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/583,551

Page 5

Art Unit: 3749

/Patrick F. O'Reilly III/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749